

**REMARKS**

Claims 1, 4, 6 and 9-11 are pending in this application. By this Amendment, claims 1, 4, 6, 9 and 10 are amended. The amendments to claims 1, 4, 6, 9 and 10 are made to correct informalities. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies extended to Applicants' representatives by Examiner Motsinger during the February 11, 2009 personal interview. Applicants' separate record of the substance of the personal interview is incorporated into the following remarks.

The Office Action, on page 2, rejects claims 4 and 10 under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. The Office Action, on page 3, rejects claims 1 and 9 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. These rejections are respectfully traversed.

Claims 4 and 10, and 1 and 9, are amended to recite "a processor that performs an image retrieval method" and "an image retrieval apparatus" respectively to overcome the rejections of these claims under 35 U.S.C. §101. A processor and an apparatus are items of manufacture and are therefore patentable subject matter.

Accordingly, reconsideration and withdrawal of the rejections of claims 1, 4, 9 and 10 under 35 U.S.C. §101 are respectfully requested.

The Office Action, on page 4, rejects claims 1, 4, 6 and 9-11 under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

The Office Action asserts that there is no support in the specification for a "second extraction." The Examiner's attention is requested to Fig. 3 which illustrates support for the first and second extractions. Specifically, feature 12 corresponds to the recited first extraction and feature 14 corresponds to the recited second extraction.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 4, 6 and 9-11 under 35 U.S.C. §112, first paragraph are respectfully requested.

The Office Action, on page 5, rejects claims 1, 4, 6 and 9-11 under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

The Office Action asserts that the recited first extraction performed by the first extraction unit and a second extraction performed by the second extraction unit being instructed by the user on a same screen does not make any sense in the context of the specification. The Office Action further indicates that "a same screen" is unclear.

Fig. 3 illustrates a user interface screen with a first keyword input part 12 and a second keyword input part 14 that are both accessible by a user on the same screen. Therefore, a first extraction performed by the first extraction unit and a second extraction performed by the second extraction unit being instructed by the user on a same screen is clearly depicted in Fig. 3.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 4, 6 and 9-11 under 35 U.S.C. §112, second paragraph are respectfully requested.

The Office Action, on pages 6 and 8, rejects claims 1, 4, 6 and 9-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,249,281 to Chen et al. (hereinafter "Chen") in view of U.S. Patent No. 6,789,228 to Merrill et al. (hereinafter "Merril"). This rejection is respectfully traversed.

Chen is directed to a graphical user interface that comprises a video region for displaying a video of a presenter giving a presentation; a primary slide region for displaying slides used by the presenter during the presentation; and a thumb-nail region containing thumbnails representing slides in the presentation. The thumbnails are selectable by a user via a cursor control device (Abstract). The Office Action asserts that Chen teaches many of the features positively recited in the pending claims. The Office Action concedes that Chen

does not explicitly disclose extracting a character string contained in the static image data by at least one of (1) extracting text data from the static image data which has the text data, and (2) performing character recognition processing on the static image data and extracting text data which is a result of the processing. Rather, the Office Action relies on Merrill, in its disclosure of a method and system for the storage and retrieval of web-based education materials, to make up for this shortfall.

Merril is directed to a system that automatically digitally captures lecture presentation slides and speech and stores the data in a memory (Abstract). The Office Action alleges that Merrill teaches a second extraction unit that extracts the keyword input by the user from at least one of meta-data and voice index data. The Office Action also asserts that Merrill, at col. 10, lines 30-50, teaches features that can be considered to correspond to the recited first extraction performed by the first extraction unit and a second extraction performed by the second extraction unit being instructed by the user on a same screen. This analysis of the Office Action fails for at least the following reason.

Merril, at col. 10, lines 30-50 indicates that Fig. 9 shows a front-end interface 900 that has a fourth frame that contains a box in which the user can enter search terms 912, a pop-up menu with which the user can select types of media the user wishes to search, and a button that initiates the search. Fig. 9 of Merrill shows that in search box 912, (in the lower right hand corner) below the words "search in" there is a dropdown box which, in this example, the user has selected "audio transcript." There is nothing, however, in Merrill that can reasonably be considered to have suggested that more than one type of media can be selected for this search. For instance, based on the pop-up menu/dropdown box described and shown in Fig. 9, there is nothing to suggest that the user may select searching both the text box and the audio transcript. Further, Merrill merely indicates one input box as opposed to the recited first and second extraction units. Therefore, Merrill cannot reasonably be considered to have

suggested a first extraction performed by the first extraction unit and a second extraction performed by the second extraction unit being instructed by the user on a same screen, as recited in independent claims 1, 4 and 6.

For at least the foregoing reason, and because Chen fails to make up for the above-identified shortfall in Merrill, no combination of Merrill with Chen would have suggested the combinations of all of the features recited in independent claims 1, 4 and 6. Further, dependent claims 9-11 would also not have been suggested by the currently-applied references for at least the dependence of these claims on independent claims 1, 4 and 6, as well as for the separately patentable subject matter that each of these claims recites.

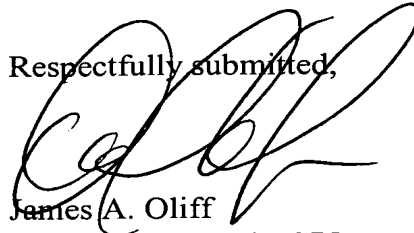
Accordingly, reconsideration and withdrawal of the rejection of claims 1, 4, 6 and 9-11 under 35 U.S.C. §103(a) over Chen in view of Merrill, are respectfully requested.

Applicants' representatives presented numerous arguments to Examiner Motsinger during the February 11, 2009 personal interview. Based on the Examiner's position during the personal interview, Applicants modified those arguments to those indicated above.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4, 6 and 9-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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JAO:DAT/ssh

Attachment:  
Petition for Extension of Time

Date: May 27, 2009

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